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BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED

COMMISSIONERS

MARC SPITZER, Chairman
JIM IRVIN
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON

2003 MAY -6 A 11: 15

AZ CORP COMMISSION
DOCUMENT CONTROL

In the Matter of e.spire Communications, Inc. f/k/a
American Communications Services, Inc., ACSI
Local Switched Services, Inc. d/b/a e.spire and
American Communication Services of Pima County,
Inc. d/b/a e.spire

DOCKET NO. T-01051B-02-0790

Arizona Corporation Commission
DOCKETED

MAY 06 2003

Complainants,

v.

Qwest Corporation, f/k/a US West Communications,
Inc.,

Respondents.

DOCKETED BY

PROCEDURAL ORDER**BY THE COMMISSION:**

On October 17, 2002, e.spire Communications, Inc. and its Arizona operating subsidiaries, ACSI Local Switched Services, Inc. d/b/a e.spire and American Communication Services of Pima County Inc., d/b/a e.spire (collectively, "e.spire") filed a Complaint with the Arizona Corporation Commission ("Commission") against Qwest Corporation, f/k/a Us West Communications, Inc. ("Qwest"). E.spire alleged that Qwest had breached the terms of an arbitrated Interconnection Agreement that the Commission had approved in Decision No. 60123 (March 19, 1997).

On November 12, 2003 the parties filed a Stipulation for Extension of time to Answer because they were engaged in settlement negotiations. On November 25, 2002, they filed a Joint Motion for Suspension of Procedural Schedule. By Procedural Order dated December 4, 2002, the Commission suspended the procedural schedule pending review and approval of a settlement agreement by the Bankruptcy Court.

On February 13, 2003, e.spire and Qwest filed a Stipulation to Dismiss Complaint. The parties stipulate that the above-captioned complaint be dismissed with prejudice, each party to bear

1 its own costs and fees.

2 E.spire is the debtor in a chapter 11 bankruptcy filed in the District of Delaware and Qwest is
3 a creditor in that bankruptcy. The parties reached an agreement resolving their disputes in the context
4 of the bankruptcy proceedings. The Bankruptcy court approved a Settlement Agreement on
5 December 3, 2002. The moving parties are the only parties in the docket.

6 IT IS THEREFORE ORDERED that the above-captioned matter is dismissed with prejudice,
7 and the docket administratively closed.

8 DATED this 5th day of May, 2003.

9
10 
JANE L. RODDA
ADMINISTRATIVE LAW JUDGE

11
12 Copies of the foregoing mailed
this 5th day of May, 2003 to:

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27 By: 
28 Juanita Gomez
Secretary to Jane Rodda